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UNITED STATES PATENT AND TRADEMARK OFFICE

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAN D. BROWNING, ETHAN D. JOFFE, & JARON Z. LANIER

Application No. 09/159,509

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on August 15, 2002. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Applicants' second petition under 37 CFR §1.47(a) is missing from the file. Appropriate correction is required.

On December June 6, 2002, applicants filed a timely Reply Brief (Paper No. 20). The record does not contain a response from the Examiner stating whether the Reply Brief has been entered, and if entered, what effect the Reply Brief has on the pending rejections. See Manual of Patent Examining Procedure, § 1208.03.

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Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

1) obtain a copy of the missing petition (Paper No. 8, filed March 6, 2000), 2) for consideration of the Reply Brief filed June 6, 2002 (Paper No. 20), and 3) for such further action as may be appropriate.

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